

AMENDED IN ASSEMBLY AUGUST 23, 2005

AMENDED IN ASSEMBLY JULY 1, 2005

AMENDED IN SENATE APRIL 26, 2005

AMENDED IN SENATE APRIL 13, 2005

SENATE BILL

No. 1102

Introduced by Senator Hollingsworth

February 22, 2005

An act to add Sections 473, 21720, and 21721 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1102, as amended, Hollingsworth. Pocket bikes: restrictions.

(1) Existing law regulates the operation of vehicles and combinations of vehicles upon the highways, imposes certain disclosure requirements on the sale of motor vehicles and vehicles by licensed dealers, and imposes sanctions for violating these regulations and requirements.

This bill would prohibit the operation of a pocket bike, *as defined*, on a sidewalk, roadway, or any other part of a highway, or on a bikeway, bicycle path or trail, equestrian trail, hiking or recreational trail, or on public lands open to off-highway motor vehicle use. The bill would authorize a peace officer, as defined, to cause the removal and seizure, for a specified minimum period, of a pocket bike that is found to be operating on a highway in a violation of the offense, created by the bill, prohibiting the operation of a pocket bike on a sidewalk, roadway, or any other part of a highway, or on a bikeway, bicycle path or trail, equestrian trail, hiking or recreational trail, or on public lands open to off-highway motor vehicle use *prohibition*. The

bill would authorize a city, county, or city and county to adopt a regulation, ordinance, or resolution imposing charges equal to its administrative costs relating to the removal, seizure, and storage costs of a pocket bike, as provided.

Because under existing law a violation of the Vehicle Code is a crime, the bill would impose a state-mandated local program by creating new crimes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would only become operative if AB 1051 of the 2005-06 Regular Session is enacted and becomes operative.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 473 is added to the Vehicle Code, to
2 read:

3 473. (a) A “pocket bike” is a two-wheeled motorized device
4 that has a seat or saddle for the use of the rider, and that is not
5 designed or manufactured for highway use. “Pocket bike” does
6 not include an off-highway motorcycle, as defined in Section
7 436.

8 (b) For purposes of this section, a vehicle is designed for
9 highway use if it meets the applicable Federal Motor Vehicle
10 Safety Standards, as contained in Title 49 of the Code of Federal
11 Regulations, and is equipped in accordance with the requirements
12 of this code.

13 SEC. 2. Section 21720 is added to the Vehicle Code, to read:

14 21720. A pocket bike shall not be operated on a sidewalk,
15 roadway, or any other part of a highway, or on a bikeway,
16 bicycle path or trail, equestrian trail, hiking or recreational trail,
17 or on public lands open to off-highway motor vehicle use.

18 SEC. 3. Section 21721 is added to the Vehicle Code, to read:

19 21721. (a) A peace officer, as defined in Chapter 4.5
20 (commencing with Section 830) of Title 3 of Part 2 of the Penal

1 Code, may cause the removal and seizure of a pocket bike, upon
2 the notice to appear for a violation of Section 21720. A pocket
3 bike so seized shall be held for a minimum of 48 hours.

4 (b) A violator of this section shall be responsible for all costs
5 associated with the removal, seizure, and storage of the pocket
6 bike.

7 (c) A city, county, or city and county may adopt a regulation,
8 ordinance, or resolution imposing charges equal to its
9 administrative costs relating to the removal, seizure, and storage
10 costs of a pocket bike. The charges shall not exceed the actual
11 costs incurred for the expenses directly related to removing,
12 seizing, and storing a pocket bike.

13 (d) An agency shall release a seized pocket bike to the owner,
14 violator, or the violator's agent after 48 hours, if all of the
15 following conditions are met:

16 (1) The violator or authorized agent's request is made during
17 normal business hours.

18 (2) The applicable removal, seizure, and storage costs have
19 been paid by the owner, or any other responsible party.

20 SEC. 4. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the
25 penalty for a crime or infraction, within the meaning of Section
26 17556 of the Government Code, or changes the definition of a
27 crime within the meaning of Section 6 of Article XIII B of the
28 California Constitution.

29 SEC. 5. *This act shall only become operative if Assembly Bill*
30 *1051 of the 2005-06 Regular Session is enacted and becomes*
31 *operative.*